

## **PUBLIC HEARING**

### **Proposed Amendments to Sections 80026.4, 80026.6, and 80122 of California Code of Regulations, Title 5 Pertaining to the Plan to Develop Fully Qualified Educators**

#### **Introduction**

The proposed amendments to Sections 80026.4, 80026.6, and 80122 pertaining to the Plan to Develop Fully Qualified Educators are being presented for public hearing. Included in this item is the background of the proposed regulations, a brief discussion of the proposed changes and the financial impact. Also included are the responses to the notification of the public hearing, a copy of that notification distributed in coded correspondence 01-0020, dated December 10, 2001.

#### **Background of the Proposed Regulations**

The Plan to Develop Fully Qualified Educators was designed as an option to request a subsequent waiver, or renew an emergency permit for the initial reissuance, by engaging in 90 hours of intensive professional development in lieu of completion of six units of conventional university course work or taking the appropriate subject matter examination. The Plan to Develop waives the college or university teacher preparation evaluation that is required for the initial reissuance of an emergency permit.

Staff believes the Commission will derive three benefits from the proposed changes:

- Individuals employed on waivers will be encouraged to complete the subject matter requirements in order to qualify for the emergency permit as quickly as possible.
- The five-year time limit placed by legislation on an emergency permit holder to complete credential requirements essentially eliminates the rationale for Plans to Develop Fully Qualified Educators.
- The phasing out of Plans to Develop Fully Qualified Educators as an option to renew an emergency permit or waiver would not preclude an employer from still offering the training as on-going support or as an employment hiring enhancement.

#### **Proposed Changes**

**Section 80026.4** – Staff is proposing that employers will no longer be able to initially request approval of Plans to Develop Fully Qualified Educators after January 1, 2003 and that all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. There is a five-year time limit set by the Legislature to complete credential requirements while holding an emergency permit.

**Section 80026.6** – Staff is proposing that all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. There is a five-year time limit set by the Legislature to complete credential requirements while holding an emergency permit.

**Section 80122(g)(2)** – Staff is proposing all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. This would encourage individuals on waivers to meet emergency permit requirements quicker. Once the individual is on the

emergency permit he or she would have to complete credential requirements within five-years.

**Section 80122(h)(2)** – Staff is proposing all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. This would encourage individuals on waivers to meet emergency permit requirements quicker. Once the individual is on the emergency permit he or she would have to complete credential requirements within five-years.

The following pages include the changes recommended by staff to be made to the existing Title 5 regulations that govern emergency permits and waivers.

### **Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

Mandated costs to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Govt. Code §11346.3(b)): The Commission has made an assessment that the proposed amendment to the regulation(s) would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small business. The regulations are not mandatory but an option that effects public school districts and county offices of education.

### **Notice of Proposed Rulemaking Mailing List and Responses**

#### **Mailing List**

Commission Members on the Commission on Teacher Credentialing  
California County Superintendents of Schools  
Credential Analysts at the California County Superintendent Of Schools' Offices  
Superintendents of California School Districts  
Deans of Education at the California Institutions of Higher Education with  
Commission-Approved Programs  
Credential Analysts at the California Institutions of Higher Education with  
Commission-Approved Programs  
Presidents of Select Professional Educational Associations

This was also placed on the Internet at "<http://www.ctc.ca.gov>".

#### Tally of Responses

##### In Support

4 organizational opinions

0 personal opinion

##### In Opposition

0 organizational opinion

0 personal opinion

The Commission received four (4) written responses in support of the proposed amendment to Section 80026.4, 80026.6, & 80122 of the Title 5 Regulations.

#### Responses Representing Organizational Opinions in Support

- Achieve Opportunities for Children, Youth and Families: Madaly Ramos Cortagena, Site Director
- Stone Corral School District: Juan Lopez, Superintendent
- Eastside Union School District: Constance E. Webb, Superintendent
- Somerset Educational Services: Mary Ann Salem, Director of Student Services

#### **Staff Recommendation**

The staff recommends that the Commission adopt the proposed regulations to Sections 80026.4, 80026.6, and 80122.

**Proposed Regulations for Section 80026.4, Division VIII  
of Title 5 California Code of Regulations**

**§ 80026.4 Plan to Develop Fully Qualified Educators**

(a) Any employing agency may submit a Plan to Develop Fully Qualified Educators to the Commission for approval. Such a Plan shall be developed by the employing agency, in collaboration with a county office of education, regionally accredited college or university, Special Education Local Planning Area, or other public education entity in the region of the employing agency, as appropriate. The Plan shall describe efforts by the employing agency to:

(1) recommend to the Commission the certification of personnel who, by virtue of education, training or experience, have been judged by certificated educators from the employing agency as competent to serve in an assignment, but are not yet certified to do so;

(2) support and assist persons who have training and experience in teaching, but neither training nor experience in the area to which they will be assigned; and

(3) provide development activities for persons who have neither training nor experience in teaching, for example, through university or district internships, technologically based learning, or intensive professional development programs.

(b) Any Plan To Develop Fully Qualified Educators may propose alternatives to enrollment in a Commission accredited preparation program for the first year of development of persons granted an emergency permit for the first time. Such alternatives shall be designed to provide ninety clock hours of professional development and to be equivalent to at least 6 units of course work offered to first-year emergency permit holders by a college or university with an preparation program accredited by the Commission. Any such proposed alternatives shall include information on how the performance of the applicants for the reissuance of an emergency permit shall be evaluated.

(c) Any Plan To Develop Fully Qualified Educators may propose ways for the employing agency to streamline or decentralize existing procedures for the issuance or reissuance of any or all of the emergency permits listed in Section 80023 to allow the employing agency to devote more personnel or fiscal resources to supporting, assisting and developing fully qualified educators, and fewer resources to paperwork or other tasks associated with applying for emergency permits.

(d) Plans to Develop Fully Qualified Educators may be initially approved by the Commission until January 1, 2003 and all approved Plans to Develop Fully Qualified Educators shall no longer be offered after January 1, 2004.

Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

**Proposed Regulations for Section 80026.6, Division VIII  
of Title 5 California Code of Regulations**

**§80026.6. Requirements for the Reissuance of Emergency Permits**

(a) The reissuance requirements for an emergency permit identified in Section 80023 shall include all of the following:

(1) A completed Application for Credential Authorizing Public School Service (form 41-4, rev 4-94),

(2) Payment of the fee(s) required by Section 80487.

(3) Prior submission of a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(4) Verification that orientation, guidance and assistance have been provided as required in Section 80026.5.

(5) For the first reissuance only, an evaluation by a Commission-accredited professional preparation institution identifying requirements the emergency permit holder must complete to be eligible for the related credential.

(6) The following, unless exceptions for reissuance are listed under the specific requirements for the type of emergency permit for which application is being made:

(A) Completion of at least six semester units (or the equivalent quarter units) of approved coursework in a Commission-accredited professional preparation program required for issuance of the related credential; or

(B) for the first reissuance only, completion of a minimum of ninety hours of professional development activities that are directly related to the subject or class authorized by the emergency permit if the applicant is employed by a employing agency with a Plan to Develop Fully Qualified Educators which has been accredited by the Commission. This option will no longer be available after January 1, 2004.

Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

**Proposed Regulations for Section 80122, Division VIII  
of Title 5 California Code of Regulations**

**§80122. Requirements for Variable Term Waivers.**

The application for a waiver document shall include all of the following:

(a) Name of Employing Agency. The application shall identify the employing agency seeking a waiver.

(b) Section Number. The application shall cite the specific Education Code or Title 5 section number(s) for which a waiver is being requested. In the case of waivers for the purpose of assignment in school programs addressing issues of educational reform, the application may instead identify the plan under which the reform will take place and, if applicable, the date when the plan was approved by the employing agency or the appropriate state agency, whichever came later.

(c) Reason for Waiver. The application shall summarize the reason the waiver is being requested, including, but not limited to, the specific employment criteria for the position that must be filled, a description of the efforts to locate and recruit individuals who hold the appropriate credential or who can be assigned under one of the available assignment options, and a description of the efforts the employing agency has made to establish alternative training options such as co-sponsoring internships with institutions of higher education or establishing a District Intern program.

(d) Proposed Solution. The application shall describe how the waiver will remedy the situation, give the rationale for the request including what makes the applicant the best candidate to fill the position, and describe any negative effect(s) that are likely to occur if the request is not granted.

(e) Identification of Applicant. The application shall identify, by name, date of birth and Social Security number, the applicant for whom the waiver is requested.

(f) If the applicant does not already have fingerprint clearance on file with the Commission, the application must include two fingerprint cards and the completed Application for Character and Identification Clearance (form 41-CIC, rev 11-93), and appropriate fee(s).

(g) Requirements and Commitment. The request shall:

(1) list the requirement(s) that the applicant must complete to be eligible for the credential which authorizes the service being requested and the anticipated date(s) of completion of those requirement(s),

(2) include a commitment by the applicant, in the form of an original signature, to pursue a course of study leading to full certification, with the understanding that no subsequent waiver will be requested should the applicant fail to verify completion of requirement(s) leading toward the credential ~~or completion of the alternative requirement(s) specified in the employing agency's approved Plan to Develop Fully Qualified Educators,~~

(3) list the name and/or position of any person assigned to provide support and assistance to the applicant while he or she is serving on the waiver, and

(4) state that the employing agency has made a commitment to support and assist the applicant, as feasible, in completing the credentialing requirement(s).

(h) Additional Requirements

(1) To fill a position to serve special education students, the employing agency must include the SELPA among those receiving notice of the intent to request a waiver.

~~(2) Waiver requests from geographically isolated regions with severely limited ability to develop personnel shall include a Plan to Develop Fully Qualified Educators pursuant to Section 80026.4 or an explanation as to why such a plan is not feasible.~~

(i) Effective Date and Proposed Duration. The application shall specify the beginning date of service on the waiver and the date when the waiver will cease to be needed.

(j) Public Notice. The request shall include verification that a notice of intent to employ the applicant in the position identified has been made public as follows:

(1) If the waiver request is being submitted by a public school district, it must include a copy of the agenda item presented to the governing board of the district in public meeting with a signed statement from the superintendent, or his or her designee, that the item was acted upon favorably. The agenda item must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a credential waiver.

(k) Signatures. The application shall include the signature of the district personnel administrator or superintendent or the county superintendent if service will be provided in a county-operated school or the administrator of the state-operated school or of the nonpublic, nonsectarian school or agency, or his or her designee certifying that the information provided is accurate and complete.

(l) Fee(s). Effective July 1, 1996, the waiver request shall include payment of the fee(s) required by Section 80487. Waiver requests for individuals who hold a valid non-emergency teaching credential based on possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching shall include payment of the fee(s) required by all sub-sections of Section 80487, as appropriate, except 80487(a)(1).

Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m) and 44235, Education Code.